

[Products Liability Law Daily Wrap Up, INDUSTRY NEWS—DRUGS:
Hoffman-La Roche sheds over 2,000 cases in NJ Accutane®
litigation, \(May 13, 2015\)](#)

Products Liability Law Daily Wrap Up

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By Susan Lasser, J.D.

A February ruling excluding the testimony of two experts on behalf of patients alleging injuries caused by the acne medicine, Accutane®, has led to the dismissal of over 2,000 cases in an agreement among the parties that was approved by the New Jersey judge overseeing the consolidated state litigation concerning the drug. The two experts had planned to testify that Accutane had caused patients to develop Crohn's disease (*In re: Accutane® Litigation*, May 8, 2015, Johnson, N.).

Background. A number of patients brought suit in New Jersey against Hoffman-LaRoche, Inc. (and its related corporate entities), the manufacturer of Accutane (isotretinoin), a drug approved by the FDA to treat recalcitrant nodular acne, alleging that Accutane had caused them to develop Crohn's disease. The cases had been consolidated since 2005 in a state multi-county litigation. In a February 20, 2015 decision, the court granted Hoffman-LaRoche's motion to exclude the testimony of two experts for the plaintiffs: Dr. Arthur A. Kornbluth, whose testimony was proffered on the issue of general causation, and Dr. David Madigan, who was to assess existing studies examining the association between isotretinoin and Crohn's disease. Hoffman-LaRoche proffered its own experts whose testimonies included an assessment of the reliability of the plaintiffs' experts' methodologies. After examining nine risk assessment epidemiological studies submitted by the parties on the relationship between isotretinoin and inflammatory bowel disease/Crohn's disease, the court concluded that there was no epidemiologic evidence to justify a reasonable inference that there was a link between isotretinoin and Crohn's disease. The reliance by the experts on one of those studies and on another study did not provide a basis for reliable opinion by the experts, the court determined. The court said that the plaintiffs' reliance upon the two studies was fatal to their claims. Further, the opinions of Dr. Madigan were conclusion-driven, rather than methodology-based, and Dr. Kornbluth's testimony included assumptions to bridge analytical gaps in his methodology, according to the court (see *Products Liability Law Daily*, February 25, 2015 [analysis](#) for further details).

Dismissal of cases. The New Jersey court dismissed approximately 2,076 cases in the multi-county litigation. Based on its barring the expert testimony of Kornbluth and Madigan that isotretinoin causes Crohn's disease, as well as its having considered the testimony, evidence, submissions and arguments of the parties, the court ordered the dismissal of the cases listed in Exhibit A attached to its order.

The case is [No. 271](#).

Attorneys: David R. Buchanan (Brown & James, PC), Paul Pennock (Weitz & Luxenberg PC), and Mary Jane Bass (Beggs & Lane) for plaintiffs. Paul W. Schmidt (Covington & Burling LLP), Colleen M. Hennessey (Peabody & Arnold LLP), Andrew See (Shook, Hardy & Bacon LLP) and Michelle Bufano (Gibbons PC) for Hoffman-LaRoche, Inc., and its related corporate entities

Companies: Hoffman-LaRoche, Inc.

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